

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:) Confirmation No.: 5487
Kiyoshi KATO et al.) Examiner: Ermias Woldegeorgis
Serial No. 10/573,527) Group Art Unit: 2893
Filed: March 24, 2006)
For: MEMORY DEVICE AND)
MANUFACTURING METHOD OF)
THE SAME)

AFTER FINAL RESPONSE

Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Official Action mailed May 28, 2009, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on March 24, 2006, and January 30, 2009.

Claims 1-16 are pending in the present application, of which claims 1, 4, 7, 11 and 15 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.


Paragraph 5 of the Official Action rejects claims 1-16 as anticipated by U.S. Publication No. 2005/0174845 to Koyama. In order to overcome this rejection, a verified English translation of the foreign priority application will be filed as soon as it is complete and received from Japan. Since Koyama has a U.S. filing date which is later than the filing date of the foreign priority application, the Applicant respectfully submits that the rejections under § 102(e) should be overcome. Accordingly, reconsideration

and withdrawal of the rejections under 35 U.S.C. § 102(e) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Respectfully submitted,



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